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October 15, 2008

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 17 – September 2008
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- A Project Delivery Team meeting was held on September 10. The status of the Low Resolution Coring (LRC) program was presented as well as an update on sediment stability evaluation. Prior to the PDT meeting, the CPG met with EPA and Partner Agencies (PA) to discuss the proposed

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scope and approach for periodic comprehensive, as well as post-storm bathymetric surveys.

- On September 10, 2008, CPG participated in a conference call with EPA, the Newark Bay RI/FS project team and Tierra Solutions, Inc. to discuss the proposed approach for interpretation and evaluation of sediment radiodating analyses.

Correspondence

- On September 15, CPG submitted the August monthly progress report to EPA.
- On September 23, CPG submitted a UFP-QAPP for additional bathymetry survey work to EPA and upload to PREMIS.
- On September 26, 2008, CPG submitted Revision 1 to the LPR HASP Addendum to EPA.
- The following field forms were submitted to EPA in September:
 - Four field modifications and one nonconformance were submitted on September 3;
 - One field modification on September 8;
 - One field modification and a SOP revision on September 10, with the SOP revision revised and resent on September 11;
 - Two field modifications and the SOP revision were updated based on EPA comment and resubmitted for approval on September 19.

Work

- CPG continues work on the LRC field work; 74 locations of the proposed 115 sediment sampling locations have been completed; a total of 415 of an estimated 756 sediment samples plus QC samples (duplicates, MS/MSD and EPA split samples) have been processed from initiation of field work through the reporting period.
- CPG completed a UFP-QAPP for additional bathymetry survey work.
- CPG is currently reviewing EPA's LPR CSO/SWO Sampling and Analysis Plan.
- CPG initiated review and discussion of collection of physical water column data. CPG also had discussions with Tierra Solutions to coordinate the Newark Bay RI/FS portion of the monitoring program. The review of existing data is ongoing and will be utilized to define gaps for UFP-QAPP preparation.

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- CPG is working to update the conceptual site model based upon a revised sediment stability analysis using the most recent bathymetry data collected in the LPRSA as well as existing river gage and mooring data.
- CPG is continuing to transition information to the modeling team of Moffatt & Nichols and Deltares. CPG has transferred modeling files and other data to these firms. Regular communication is occurring among the project team and with the modeling firms, including web-based presentations on the data, which are taking place approximately every two weeks. To date, discussions have been held on August 7 and September 26.

(b) Results of Sampling and Tests

- All lab data packages received in September will be provided in Adobe pdf format to EPA under separate cover. A total of 89 lab packages have been received as of September 30, 2008.
- As of the end of September, 22,435 lab results from 257 field samples had been received. Data validation had not been completed for any of these analyses; therefore, no Region 2 MEDD will be submitted this month.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue the LRC field work.
- CPG will respond to any EPA comments on the UFP-QAPP for bathymetry surveys and will schedule the survey work with the contractor after the QAPP has been finalized.
- CPG will initiate the secondary data review and planning for the unscoped tasks in FSP Volume 1 including water column and mudflat sampling.
- CPG is planning for a November meeting with EPA and PA to review and discuss unscoped tasks in FSP 2 following the review of FSP 2 comments from EPA.
- CPG is scheduled to participate in the next scheduled Newark Bay RI/FS team conference call with EPA, currently scheduled for October 15, 2008.
- CPG will meet with EPA and Tierra Solutions to discuss the LPR CSO/SWO Sampling and Analysis Plan.
- CPG will continue work to review and evaluate the Conceptual Site Model as new data are generated in the LPRSA.
- CPG will continue to integrate the modeling team into the project through web-based presentations of the investigation and historical site data.
- CPG will request an amendment to LRC QAPP (i.e., additional analyses) based on recommendations made by Deltares principal investigators.

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(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

As stated above, CPG did not receive EPA's draft FSP 2 response to comments during the reporting period. However their comments were received on October 1. CPG is initiating a review of EPA's responses to all comments and has requested a meeting with EPA and the PA in November to discuss comments and path forward.

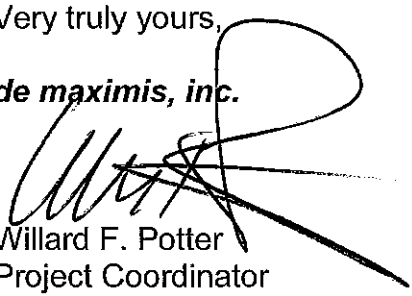
The CPG Modeling Team has not yet received the sediment transport numerical model from the EPA. This delay will affect the schedule of the CPG modeling activities.

The CPG is revising the LPRSA RI/FS Project Schedule in response to delays in receiving FSP 2 and sediment transport modeling documentation and will submit an updated Project Schedule to EPA during the week of October 20, 2008.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.


Willard F. Potter
Project Coordinator

cc: Sarah Flanagan, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
Lisa Baron, USACE
Tim Kubiak, USFWS
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